

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID SETH WORMAN, ANTHONY  
LINDEN, JASON WILLIAM SAWYER,  
PAUL NELSON CHAMBERLAIN, GUN  
OWNERS' ACTION LEAGUE, INC., ON  
TARGET TRAINING, INC., AND  
OVERWATCH OUTPOST,

Plaintiffs,

v.

MAURA HEALEY, in her official capacity as  
Attorney General of the Commonwealth of  
Massachusetts; DANIEL BENNETT, in his  
official capacity as the Secretary of the  
Executive Office of Public Safety and Security;  
and COLONEL KERRY GILPIN, in her  
official capacity as Superintendent of the  
Massachusetts State Police,

Defendants.

CIVIL ACTION  
NO. 17-10107-WGY

**DECLARATION OF ELIZABETH KAPLAN IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Elizabeth Kaplan, hereby declare and state the following:

1. I am an Assistant Attorney General at the Massachusetts Office of the Attorney General and am a member in good standing of the Massachusetts bar. I represent the defendants in this matter.

2. I make this declaration in support of the Defendants' Motion for Summary Judgment. Unless stated otherwise, I have personal knowledge of the facts set forth herein and am competent to testify thereto.

3. Attached are true and accurate copies of the following Exhibits:

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Short Citation</b>
1	Excerpts of Transcript of Deposition of Gary Klein	Klein Dep.
2	Excerpts of Transcript of Deposition of Christopher Colwell	Colwell Dep.
3	Excerpts of Transcript of Deposition of James Curcuruto	Curc. Dep.
4	Redacted Transcript of Deposition of David Seth Worman	Worman Dep.
5	Redacted Transcript of Deposition of Anthony Linden	Linden Dep.
6	Redacted Transcript of Deposition of Jason William Sawyer	Sawyer Dep.
7	Redacted Transcript of Deposition of Paul Nelson Chamberlain	Chamb. Dep.
8	Redacted Transcript of Deposition of Jim Wallace	Wallace Dep.
9	Redacted Transcript of Deposition of Edward O'Leary	O'Leary Dep.
10	Redacted Transcript of Deposition of Charles Ricko, II	Ricko Dep.
11	Redacted Transcript of Deposition of James Supica	Supica Dep.
12	Redacted Transcript of Deposition of Gary Kleck	Kleck Dep.
13	Redacted Transcript of Deposition of Buford Boone	Boone Dep.
14	Excerpts of Redacted Transcript of Deposition of Guy Rossi	Rossi Dep.
15	Excerpts of the Expert Report of James Curcuruto, with an attachment	Curc. Rep.
16	Expert Report of James Supica	Supica Rep.
17	M. Levenson, <i>Patrick to renew push for tougher gun laws</i> , BOSTON GLOBE (Dec. 17, 2012).	
18	M. Valencia & M. Levenson, <i>Patrick renewing push for tougher Mass. gun laws</i> , BOSTON GLOBE (Dec. 18, 2012).	
19	Gun Owner's Action League et al. v. Cellucci et al., No. 98-12125 (D. Mass. Sept. 28, 2000) (Memorandum & Order).	GOAL v. Cellucci Mem.
20	Gun Owner's Action League et al. v. Cellucci et al., No. 98-12125 (D. Mass. Oct. 21, 1998) (Complaint).	GOAL v. Cellucci Compl.
21	Press Release, <i>Romney signs off on permanent assault weapons ban</i> (July 1, 2004).	
22	<i>College Student Sprays Campus with an Assault Rifle, Killing 2</i> , N.Y. TIMES (Dec. 16, 1992).	
23	Decl. of Mark Overstreet in New York State Rifle and Pistol Assoc., Inc. v. Cuomo, No. 1:13-cv-00291.	Overstreet Decl.
24	Edward O'Leary email dated January 31, 2017.	O'Leary Email
25	William J. Eaton, <i>Ford, Carter, Reagan Push for Gun Ban</i> , L.A. TIMES (May 5, 1994).	

26	A. Lambiaso, <i>Romney Signs Assault Weapons Ban Extension, Changes in Gun Licensing</i> , STATE HOUSE NEWS SERVICE (July 1, 2004).	SHNS, 7/1/2004
27	Senate Session, STATE HOUSE NEWS SERVICE (May 27, 2004)	SHNS, 5/27/2004
28	Violence Policy Center, United States of Assault Weapons: Gunmakers Evading the Federal Assault Weapons Ban (July 2004).	VPC, Gunmakers Evading
29	H.R. Rep. No. 103–489, Public Safety and Recreational Firearms Use Protection Act (May 2, 1994).	H.R. Rep.
30	Excerpts from Pub. L. No. 103–322; 108 Stat. 1796 (1994).	
31	R. Wu, <i>A Prospective AR-15 Owner/Builder's Primer</i> , ar15.com (Dec. 13, 1997)	
32	<i>Jacques, Birmingham Announce Final Enactment of Assault Weapons Bill</i> , STATE HOUSE NEWS SERVICE (July 20, 1998).	SHNS, 7/20/1998
33	<i>Jacques Confident Assault Weapons Ban Will Pass Next Session</i> , STATE HOUSE NEWS SERVICE (Dec. 3, 1996).	SHNS, 12/3/1996
34	Senate Copy, STATE HOUSE NEWS SERVICE (July 16, 1998).	SHNS, 7/16/1998
35	Enforcement Notice: Prohibited Assault Weapons (July 20, 2016).	Enforcement Notice
36	D. Long, <i>The Complete AR-15/M16 Sourcebook</i> (2d ed. 2001).	Long
37	M. Morgan, <i>U.S. M16: A Half-Century of America's Combat Rifle</i> , NRA AMERICAN RIFLEMAN (Sept. 20, 2017).	Morgan
38	C. Bartocci, <i>AR-15/M16: The Rifle That Was Never Supposed To Be</i> , GUN DIGEST (July 16, 2012).	Bartocci, AR-15/M16
39	Excerpts from Department of the Army, <i>Rifle Marksmanship: M16-/M4-Series Weapons</i> (August 2008).	Army Manual
40	Bureau of Alcohol, Tobacco, and Firearms, <i>Study in the Importability of Certain Shotguns</i> (2011).	ATF 2011
41	M. Gius, <i>The Impact of state and federal assault weapons bans on public mass shootings</i> , 22 APPLIED ECONOMICS LETTERS 281 (2015)	Guis
42	L. Buchanan et al., <i>How They Got Their Guns</i> , N.Y. TIMES (June 12, 2016)	
43	AR-15 Vs. M16 Parts, ar15.com	
44	Violence Policy Center, <i>The Militarization of the U.S. Civilian Firearms Market</i> (2011)	VPC, Militarization
45	C. Ingraham, <i>There Are Now More Guns Than People in the United States</i> , WASH. POST (Oct. 5, 2015)	

46	Decl. of Lucy P. Allen in <i>Kolbe v. O'Malley</i> , Case No. 1:13-cv-02841-CCD (D. Md.) (Filed 2/14/14).	Allen Decl.
47	C. Koper, <i>An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003</i> , REPORT TO THE NATIONAL INSTITUTE OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE (2004).	Koper 2004
48	Brady Center to Prevent Gun Violence, <i>On Target: The Impact of the 1994 Federal Assault Weapon Act</i> (March 2004).	Brady Ctr., On Target
49	Brady Center to Prevent Gun Violence, <i>Assault Weapons: “Mass Produced Mayhem”</i> (Oct. 2008).	Brady Ctr., Mass Mayhem
50	A. Fallis, <i>Data Indicate Drop in High-Capacity Magazines During Federal Gun Ban</i> , WASH. POST (Jan. 10, 2013).	
51	P. Stephanopoulos et al., <i>Gunshot wounds: A review of ballistics related to penetrating trauma</i> , 3 J. ACUTE DISEASE 178 (2014).	
52	L. Wen, <i>What Bullets Do To Bodies</i> , N.Y. TIMES (June 15, 2017).	
53	Testimony of Dr. William Begg, Director, Emergency Medical Services, Danbury Hospital, Danbury, Connecticut Before the Senate Judiciary Committee (Feb. 27, 2013).	Begg Testimony
54	W. Krouse, <i>Mass Murder with Firearms: Incidents and Victims, 1999-2013</i> , Congressional Research Service (July 2015).	CRS 2015
55	J. Lee et al., <i>More Than Half of Mass Shooters Used Assault Weapons and High Capacity Magazines</i> , MOTHER JONES (Feb. 27, 2013).	
56	M. Follman et al., <i>A Guide to Mass Shootings in America</i> , MOTHER JONES (Jun 14, 2017).	
57	Violence Policy Center, <i>“Officer Down”: Assault Weapons and the War on Law Enforcement</i> (May 2003).	VPC, Officer Down
58	Department of the Army, <i>Report of the M16 Rifle Review Panel</i> (June 1, 1968).	
59	Advisory No. 2008/1, <i>An Advisory from the Attorney General’s Fair Labor Division on M.G.L. c. 149, s. 148B</i>	
60	Advisory 98/1, <i>An Advisory from the Attorney General’s Fair Labor Division on An Act Providing Employees Leave for Certain Family Obligations</i>	
61	Executive Office of Public Safety and Security, <i>Approved Firearms Roster</i> (Nov. 2017).	

62	Excerpts of National Rifle Association, <i>THE BASICS OF PERSONAL PROTECTION IN THE HOME</i> (2000).	
63	Excerpts of National Rifle Association, <i>NRA GUIDE TO PERSONAL PROTECTION OUTSIDE THE HOME</i> (2006).	
64	J. Supica, <i>A Brief History of Firearms</i> , NRA Museum, available at <a href="http://www.nramuseum.com/gun-info-research/a-brief-history-of-firearms.aspx">http://www.nramuseum.com/gun-info-research/a-brief-history-of-firearms.aspx</a>	
65	Bureau of Alcohol, Tobacco, and Firearms, <i>Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles</i> (July 6, 1989)	ATF 1989
66	Bureau of Alcohol, Tobacco, and Firearms, <i>Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles</i> (Apr. 1998)	ATF 1998
67	Bureau of Alcohol, Tobacco, and Firearms, <i>Assault Weapons Profile</i> (Apr. 1994)	ATF 1994
68	R. Maranon, <i>Tulsa gun expert breaks down weapons seen in photos of Las Vegas shooting investigation</i> , FOX23 (Oct. 23, 2017).	
69	A. Horton, <i>The Las Vegas shooter modified a dozen rifles to shoot like automatic weapons</i> , WASH. POST (Oct. 3, 2017)	
70	<i>How Far Was the Las Vegas Shooter from the Concert?</i> BOSTON GLOBE (Oct. 2, 2017), available at <a href="https://www.bostonglobe.com/news/nation/2017/10/02/look-how-far-las-vegas-shooter-was-from-concert/RH1IbGWenXPuSGg84YfqXN/story.html">https://www.bostonglobe.com/news/nation/2017/10/02/look-how-far-las-vegas-shooter-was-from-concert/RH1IbGWenXPuSGg84YfqXN/story.html</a>	
71	T. Craig, <i>As the wounded kept coming, hospitals dealt with injuries rarely seen in the U.S.</i> , WASH. POST (Oct. 3, 2017).	
72	C.J. Chivers et al., <i>Gunman's Vantage Point and Preparations Opened the Way for Mass Slaughter</i> , N.Y. TIMES (Oct. 2, 2017).	
73	M. Rocheleau, <i>At Las Vegas hospital, staff treat physical and mental wounds</i> , BOSTON GLOBE (Oct. 2, 2017).	
74	Testimony of Neil Heslin, Senate Judiciary Committee Hearing on the Assault Weapons Ban of 2013 (Feb. 27, 2013).	Heslin Testimony
75	Excerpts from D. Howlett, <i>Shooter's Bible: Guide to AR-15s</i> (2011).	Howlett
76	Excerpts from K. Dockery, <i>Special Warfare: Special Weapons</i> (1996).	Dockery
77	Excerpts from C. Bartocci, <i>Black Rifle II</i> (2004).	Bartocci, Black Rifle

78	Excerpts from V. Shilin & C. Cutshaw, <i>Legends and Reality of the AK</i> (2000).	Shilin & Cutshaw
79	ATF Rul. 94–2, available at <a href="https://www.atf.gov/file/55426/download">https://www.atf.gov/file/55426/download</a> .	ATF Rule 94-2
80	Violence Policy Center, <i>High Capacity Ammunition Magazines Are the Thread Running Through Most Mass Shootings in the United States</i> , available at <a href="http://www.vpc.org/fact_sht/VPCshootinglist.pdf">http://www.vpc.org/fact_sht/VPCshootinglist.pdf</a>	VPC, Mass Shootings
81	Memorandum from Laurie R. Wallach, Deputy Chief Legal Counsel, to Argio Paul Cellucci, Governor, Re: House Bill No. 1985 (July 22, 1998).	Governor's Memo
82	Mayors Against Illegal Guns, <i>Analysis of Recent Mass Shootings</i> (Sept. 2013).	Mayors
83	Gun Violence Archive, “11-05-2017 Texas Sutherland Springs”	
84	D. Montgomery, <i>Gunman Kills At Least 26 in Attack on Rural Texas Church</i> , N.Y. TIMES (Nov. 5, 2017).	
85	Gun Violence Archive, “10-01-2017 Nevada Las Vegas 195-1”	
86	Gun Violence Archive, “6-12-2016 Florida Orlando 102-1”	
87	Gun Violence Archive, “12-02-2015 California San Bernardino”	
88	T. Dickinson, <i>All-American Killer: How the AR-15 Became Mass Shooters' Weapon of Choice</i> , ROLLING STONE (Nov. 21, 2016).	
89	J. Dao, <i>Aurora Gunman's Arsenal: Shotgun, Semiautomatic Rifle and, at the End, a Pistol</i> , N.Y. TIMES (July 23, 2012).	
90	J. Saltzman & T. Andersen, <i>Emotions raw 10 years after shooting</i> , BOSTON GLOBE (Dec. 26, 2010).	
91	Excerpts of U.S. Army Ctr. of Military History, <i>American Military History, Vol. 1</i> (2d ed. 2009).	
92	F. Norris et al., <i>Impact of Mass Shootings on Survivors, Families, and Communities</i> , 18 PTSD RESEARCH QUARTERLY 1 (2007).	
93	Office of the Attorney General, <i>Guns That Are Not Assault Weapons</i>	
94	S. Wormley, <i>The AR-15 for Home Defense: Penetration Tests</i> , NRA AMERICAN RIFLEMAN (Aug. 5, 2014).	Wormley
95	R. Rojas, <i>Newtown Is 'Still So Raw,' 5 Years After Sandy Hook Shooting</i> , N.Y. TIMES (Dec. 13, 2017).	

Signed under the pains and penalties of perjury,

A handwritten signature in dark ink, appearing to read 'Elizabeth Kaplan', written over a horizontal line.

Elizabeth Kaplan, BBO #568911  
Assistant Attorney General

A handwritten date '12/15/17' in dark ink, written over a horizontal line.

DATE